

**REMARKS**

The Applicants have carefully studied the outstanding Office Action. The present response is intended to be fully responsive to the rejection raised by the Office Action and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any of the Office Action rejections not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested. Support for the claim amendments may be found throughout the specification.

**CLAIMED INVENTION**

Claim 1, as amended, provides an exemplary claim of the present application. Claim 1 provides a system for allowing a user to perform remote vehicle diagnostics, vehicle monitoring, vehicle configuration and vehicle reprogramming for one or more vehicles. The system includes a repository database, an application server, a graphical user interface (GUT), an onboard unit server that is coupled to the application server, an onboard unit coupled to a data bus of one of the vehicles, and a communications means that is coupled between the onboard unit server and the onboard unit.

The repository database may hold information indicative of the one or more vehicles. The application server may have applications for carrying out any of vehicle diagnostics, vehicle monitoring, vehicle configuration and vehicle reprogramming. The application server may access the repository database to obtain the information about the one or more vehicles so as to carry out the applications. During processing of the applications data is sent to and received from each of the one or more vehicles. The application server is also operable to carry out decision processing of the applications using data received from the one or more vehicles.

The GUI may also access the repository database to obtain a list of specific vehicles within the fleet of vehicles to select from. The GUI may couple to the application server to request processing of the applications for one or more of vehicles selected from the list. The onboard unit server may be operable to convert data between a format understandable by the user using the GUI and a format understandable by an onboard unit coupled to the data bus of one of the vehicles. The onboard unit is operable to collect data for any of the applications and operable to manage interfacing between the data bus and the onboard. The communications means may handle communications between the onboard unit server and the onboard unit.

As part of the claimed invention, each independent amended claim in one way or another contains an element directed to the application server being also operable to carry out decision processing of the applications using data received from the one or more vehicles. In addition, each pending claim contains an element directed to the onboard unit being operable to collect data or run commands for any of the applications response to communications from the application server.

Further, each dependent claim necessarily includes all the elements of the independent claims from which it depends. Therefore, each dependent claim necessarily includes the claim elements noted above.

After entry of the above-listed amendment, the present application includes 23 claims. Of these, claims 1-4, 6, 9, 10 and 12 were previously presented. Previously cancelled claims 5, 7, 8, 11 have been re-instated and all but claim 8 amended. Claims 13-23 are new and ultimately depend from claim 1. Claims 1, 6, 9 and 12 are in independent form.

**SECTION 103 REJECTIONS**

The Office Action rejected claims 1-4, 6, 9, 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over by U.S. Patent No. 5,815,071 granted to Doyle ("*Doyle*") in view of U.S. Patent No. 5,619,412 granted to Hapka ("*Hapka*"). Under 35 U.S.C. § 103, to support the conclusion that the claimed invention is directed to obvious subject matter, a reference must expressly or impliedly suggest the claimed invention. *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

The Applicants submit that neither the *Doyle* nor *Hapka* references expressly or impliedly teach or suggest all the elements of the amended claims. The Applicants submit that unlike the present claims, neither *Doyle* nor *Hapka*, alone or combined, teach the combination of (i) an application server being operable to carry out decision processing of the applications using data received from the one or more vehicles, and (ii) the onboard unit being operable to collect data or run commands for any of the applications response to communications from the application server, as claimed.

The Office Action cites *Doyle* for the proposition that the "the [*Doyle*] system allows fleet logistics by remote parameter changes, health tracking and maintenance needs." The Applicants disagree with this broad assertion. The abstract of the *Doyle* provides exemplary detail of the way in which the *Doyle* invention is described throughout its specification and claims. The abstract states:

"In an exemplary implementation the vehicle is equipped with a mobile communications terminal (MCT), which receives from a base station a list of operational parameters to be monitored. Each of the electronic control units, as well as a memory unit, are connected to an internal data link of the vehicle. When a parameter value within the memory unit corresponding to a given control unit is changed, a message is provided to the base station specifying the value currently registered by the control unit. The currently registered value is then compared to an expected parameter value, and an error message is generated if disagreement exists there between." (emphasis added)

Thus, unlike the presently claimed invention, the MCT of *Doyle* performs decision processing of the application. That is., the MCT, not a server system, must compare a measured parameter value against one or more of the operational parameters to be monitored to determine if the parameter value within the memory unit has changed. Then unlike the presently claimed invention, responsive to the changed value of a parameter, not a message sent to it for processing, the MCT generates and sends a message to the base station. Thus, the Applicants submit that *Doyle* does not teach the combination of elements (i) and (ii) above. Although cited for a different purpose, the Applicants submit that the *Hapka* reference does not teach or even describe the above-listed elements.

Thus, for the reasons provided above, the Applicants submit that the amended, independent claims 1, 6, 9, and 12 are allowable. Due to their dependency of from the independent claims, the Applicants submit that the rest of the claims are allowable as well.

#### CONCLUSION


The Applicants submit that the application is in good and proper form for allowance, and respectfully request the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3304.

Respectfully submitted,

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September 29, 2003

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